

Plaintiffs have filed a Request to Clerk to Enter a Default pursuant to Fed.R.Civ. Pro 55(a) and mailed a copy, first class mail, postage prepaid, to the Defendant.

4. The Defendant is neither an infant nor incompetent person and is not in the military or naval service of the United States or its allies, or otherwise within the provisions of the Soldiers and Sailors Civil Relief Act of 1940 or its amendments.

WHEREFORE, Plaintiffs seek the following relief:

(a) Judgment entered as set out in the proposed Order and Judgment by Default attached to this Motion.

Respectfully submitted,

JENNINGS SIGMOND, P.C.

BY: s/Richard J. DeFortuna
RICHARD J. DEFORTUNA (ID. NO. 86260)
SANFORD G. ROSENTHAL (ID. NO. 38991)
The Penn Mutual Towers
510 Walnut Street, 16th Floor
Philadelphia, PA 19106
(215) 351-0660/0611

Attorneys for Plaintiffs

DATE: August 26, 2002

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARPENTERS PENSION AND ANNUITY FUND	:	CIVIL ACTION
OF PHILADELPHIA AND VICINITY, et al	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
THEODORE DEWEES, JR.	:	
	:	
Defendant	:	NO. 02-4546

**DECLARATION OF AMOUNT DUE UPON
APPLICATION FOR DEFAULT**

Richard J. DeFortuna, Esquire, being duly sworn according to law, deposes and says that he is the attorney for the Plaintiffs in the above-entitled action; that he has read the Complaint filed in this action and knows the contents thereof, and the same is true and there is now due by Defendant Theodore Dewees, Jr., to Plaintiffs on the debt set forth in the Complaint, the sum of \$32,271.82 itemized as follows:

Principal Balance	\$28,832.07
Interest through August 31, 2002	2,474.70
Late fees through August 31, 2002	91.30
Attorneys' Fees and Costs	<u>873.75</u>
TOTAL	\$32,271.82

Defendant is in default for failure to appear in this action, and Defendant is not an

infant nor incompetent person and not in the military service, as appears in the attached Affidavit.

I declare under penalty of perjury in accordance with 28 U.S.C. §1746 that the foregoing is true and correct to the best of my knowledge, information and belief

s/ Richard J. DeFortuna
RICHARD J. DEFORTUNA, ESQUIRE

Executed On: August 26, 2002

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARPENTERS PENSION AND ANNUITY FUND	:	CIVIL ACTION
OF PHILADELPHIA AND VICINITY, et al	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
THEODORE DEWEES, JR.	:	
	:	
Defendant	:	NO. 02-4546

DECLARATION OF RICHARD J. DEFORTUNA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	SS
COUNTY OF PHILADELPHIA	:	

Richard J. DeFortuna, being duly sworn according to law, deposes and says that he is the attorney for the Plaintiffs herein; that he is authorized to take this Affidavit on behalf of the Plaintiffs; that Defendant owes to Plaintiffs the sum of \$32,271.82, representing the Principal Balance under the Note in the amount of \$28,832.07, interest in the amount of \$2,474.70, late charges in the amount of \$91.30, and attorneys' fees and costs in the amount of \$873.75; that an itemization of said counsel fees is attached as Exhibit 1; that said counsel fees represent a fair and reasonable charge for the service of affiant's law firm in connection with the collection of the unpaid debt in this matter and are customarily charged to other clients of the law firm in similar cases.

I declare under penalty of perjury in accordance with 28 U.S.C. §1746 that the foregoing is true and correct to the best of my knowledge, information and belief

Executed On: August 26, 2002
103603-1

s/Richard J. DeFortuna
RICHARD J. DEFORTUNA, ESQUIRE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARPENTERS PENSION AND ANNUITY FUND OF PHILADELPHIA AND VICINITY, et al	:	CIVIL ACTION
	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
THEODORE DEWEES, JR.	:	
	:	
Defendant	:	NO. 02-4546

**DECLARATION OF FAILURE TO PLEAD OR
OTHERWISE DEFEND IN SUPPORT OF
APPLICATION FOR ENTRY OF JUDGMENT**

I, Richard J. DeFortuna, Esquire, being duly sworn according to law, deposes and says:

1. That he is the authorized agent of the Plaintiffs and the attorney of record, and has personal knowledge of the facts set forth in this Affidavit.
2. That examination of the Court files and records in this case shows that service of the within Complaint was made upon the Defendant on July 24, 2002.
3. That more than twenty (20) days have elapsed since the date on which the said service was made with a Summons and a copy of a Complaint, excluding the date thereof.
4. That the Defendant herein has failed to answer or otherwise defend as to Plaintiffs' Complaint, or serve a copy of any answer or other defense which it might have had.
5. That this Declaration is executed in accordance with Rule Nos. 55(a) and 55(b) of the Federal Rules of Civil Procedure for the purpose of enabling the Plaintiffs herein to obtain an entry of default judgment against Defendant herein, for its failure to answer or otherwise defend as to the Plaintiffs' Complaint.

6. That Defendant is not in the military or naval service of the United States or its allies, or otherwise within the provisions of the Soldiers and Sailors Civil Relief Act of 1940 or its amendments is not an infant nor incompetent person.

I declare under penalty of perjury in accordance with 28 U.S.C. §1746 that the foregoing is true and correct to the best of my knowledge, information and belief

Executed On.: August 26, 2002

s/ Richard J. DeFortuna

RICHARD J. DEFORTUNA, ESQUIRE

CERTIFICATE OF SERVICE

Richard J. DeFortuna, Esquire, deposes and says that he did cause to be mailed a true and correct copy of Plaintiffs' Motion for Default Judgment to the Defendant, by regular mail on the date set forth below as follows:

Theodore Dewees, Jr.
2634 Chadwick Street
Philadelphia, PA 19147

s/ Richard J. DeFortuna
RICHARD J. DEFORTUNA, ESQUIRE

Date: August 26, 2002

THIS DOCUMENT HAS BEEN ELECTRONICALLY FILED AND IS AVAILABLE FOR
VIEWING AND DOWNLOADING FROM THE ECF SYSTEM

2. This Order and Judgment is enforceable, without duplication, by one or more of the Plaintiffs, jointly and severally, or their agents.

BY THE COURT

Dated: _____
Philadelphia, PA

JOHN R. PADOVA J.

**CARPENTERS HEALTH AND WELFARE FUND OF PHILADELPHIA & VICINITY,
et al.
v. THEODORE DEWEES, JR.
CIVIL ACTION NO. 02-4546**

SAGOT, JENNINGS & SIGMOND ATTORNEYS' FEES - AUGUST 2002

<u>Date</u>	<u>Attorney</u>	<u>Task</u>	<u>Time</u>
08/13/02	CTM	Preparation of Request to Enter Default	.7
08/21/02	CTM	Calculate Interest Due Calculate Late Fees Preparation of Motion for Default Judgment	2.3
08/22/02	CTM	Calculate Attorneys Fees Revisions to Motion for Entry of Default Judgment	.5
08/26/02	RJD	Review of Request to Enter Default Review of Motion for Default Judgment	.4
08/26/02	CTM	Preparation of Motion for Default Judgment for Electronic Court Filing	.7
TOTAL HOURS			4.6

August Summary

CTM	4.2 Hrs x \$85 /per hour =	\$357.00
RJD	.4 Hrs x \$175 /per hour =	\$70.00
August Total =		\$427.00
(6/07/02 to 7/31/02) Total =		\$446.75
GRAND TOTAL		\$873.75